

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Allocation of the)
219-220 MHz Band for Use by)
the Amateur Radio Service)

ET Docket No. 93-40
RM-7747

To: The Commission

COMMENTS

Pursuant to Section 1.415 of the Commission's Rules, ProNet Inc. ("ProNet"), by its attorneys, hereby recognizes the public interest benefits of the above-captioned Notice of Proposed Rule Making ("Notice"). In the Notice, the Commission proposes allocating "the 219-220 MHz band to the amateur service on a secondary basis for amateur auxiliary station (point-to-point) packet backbone networks and other amateur point-to-point fixed communications." Notice at para. 1. This proposal is based upon a petition for rule making filed by the American Radio Relay League ("ARRL").

Allocation of the 219-220 MHz band for amateur use will provide necessary public safety and emergency services and thus will serve the public interest. However, as detailed below, to protect the continued operation of ProNet's state-of-the-art law enforcement technology, Electronic Tracking Systems ("ETS"), which operates under experimental authority on the 219.960 MHz band, implementation of the new amateur service in those markets where ETS service is provided must be scheduled carefully.

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I. PRONET'S ETS SERVES THE PUBLIC INTEREST

Pronet's wholly owned subsidiary, Electronic Tracking Systems, Inc., provides ETS service

Substantial support for grant of ProNet's Petition exists. In the record of the Petition, numerous national and local law enforcement agencies, including the FBI, financial institutions, and merchants, declared how valuable ETS is as a crime-fighting tool and how imperative it is that ProNet's ETS service be allocated permanent spectrum and be authorized on a permanent basis.²

Notwithstanding the clear public interest benefits from adopting the Petition and the clear public support for its adoption, certain Commission actions have necessitated changes to ProNet's proposal. Inauguration of Interactive Video Data Service ("IVDS")³ and adoption of the rules proposed in the Notice would cause unacceptable interference to ETS operating either on the proposed 218.0, 218.5 and 219.0 MHz channels or on the existing 219.960 MHz experimental

II. IMPLEMENTATION OF THE NEW AMATEUR SERVICE MUST BE SCHEDULED CAREFULLY

The rules proposed in the Notice are in the public interest. Like ProNet's ETS, the amateur radio services that would be provided upon adoption of the rules proposed in the Notice significantly would improve public safety and emergency services.

Nevertheless, ProNet is concerned over certain aspects of how the new amateur radio allocation would be implemented. Initiation of amateur service in the 219-220 MHz band would cause harmful interference to ProNet's current licensed experimental operations on the 219.960 MHz band.⁵ Until ProNet's proposal to allocate spectrum elsewhere in the 216-220 MHz band is granted and the necessary transition is completed, ongoing reliable provision of ETS service on the 219.960 MHz band would be threatened in those markets where the new amateur service is introduced. Vital law enforcement activities thus would be compromised significantly.

In order to avoid this interference problem, while ensuring prompt initiation of valuable amateur services, ProNet and the ARRL have agreed to work with each other in an effort to reach an understanding about cooperating in the timing of establishing new amateur services. In the markets where it operates ETS, ProNet proposes that ARRL: (1) attempt to defer initiation of service as long as possible;⁶ (2) encourage amateur radio licensees to use the portion of the 219-220 MHz band that would cause the least disruption to ETS; and (3) request that the appropriate frequency coordinators facilitate such targeted channel use. ProNet and ARRL also have discussed exploring the possibility of using technology that would disable amateur service during the brief period of time that an ETS tag actually is in operation.

⁵ In the Notice at para. 13, the Commission proposes that the new amateur services would be operated on a "secondary" basis. As an experimental service licensee, ProNet's ETS would not be protected.

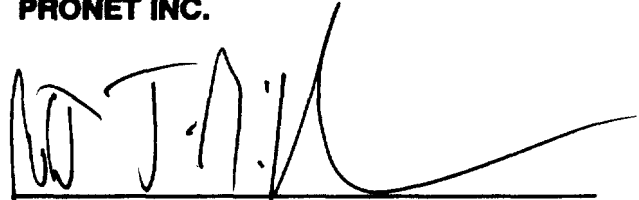
⁶ Any such scheduling must be left to the discretion of the private sector amateur users of this band and must not be prescribed by the Commission.

While ARRL sympathizes with ProNet's needs, it is not in a position to make such a commitment at this time. ProNet greatly appreciates ARRL's interest in protecting ETS on the 219.960 MHz band and in considering support for the allocation of and transition to the anticipated new channels in the 216-220 MHz band. It is abundantly clear that ARRL's public interest orientation extends beyond the amateur services to other technologies, like ETS, that protect public safety and private property.

ProNet understands the need for ARRL to consider further the issues detailed herein regarding scheduling implementation of the new amateur services. Even though ProNet, in concept, supports adoption of the Notice, such support is based upon reaching a mutually acceptable understanding with the ARRL regarding the implementation schedule.

Respectfully submitted,

PRONET INC.

A handwritten signature in black ink, appearing to read 'R. J. Miller', written over a horizontal line.

Robert J. Miller
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Dated: June 14, 1993

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CERTIFICATE OF SERVICE

I do hereby certify that copies of the foregoing Comments will be hand delivered on the following parties on the 15th day of June, 1993:

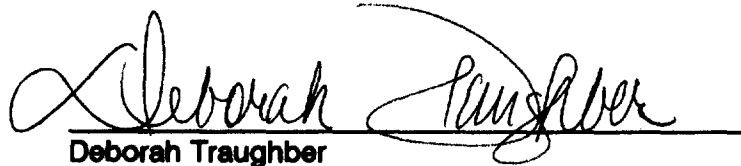
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